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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/699,192 | 11/03/2003 | Uthmant T. Shareef | ATA509 | 3489 |
| 34356 | 7590 | 10/05/2004 | EXAMINER | |
| ASHKAN NAJAFI, P.A. 113 LAMPLIGHTER LANE PONTE VERDA BEACH, FL 32082 | | | COURSON, TANIA C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2859 | |

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,192

Applicant(s)

SHAREEF, UTHMANT T.

Examiner

Tania C. Courson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03NOV03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bozzo (US 5,782,003) in view of Genho (US 3,897,637).

Bozzo discloses a leveling device including the following:

- a) a housing (3) having opposed end portions and an exterior surface (Fig. 13) and including a plurality of apertures formed therein (Fig. 13), said plurality of apertures being spaced apart from each other and being formed at said opposed end portions (Fig. 13), a power supply source disposed within said housing and for supplying power to said apparatus (Fig. 18), a plurality of switches connected to said power supply source and for selectively toggling said apparatus between on and off positions (column 9, lines 51-55), a plurality of laser beam supply sources disposed within said housing and operably controlled by said plurality of switches and selectively operable between corresponding on and off positions (column 8, lines 5-7), a plurality of reflecting members disposed within said housing and spaced from said plurality of laser beam supply sources (72 and 76), said plurality of reflecting

members receiving a plurality of laser beams having respective first paths from said plurality of laser supply sources and reflecting said plurality of laser beams away in corresponding second paths respectively (Fig. 16), a plurality of angle-adjusting members spaced from said plurality of reflecting members and disposed within said housing, said plurality of angle-adjusting members receiving a plurality of laser beams from said plurality of reflecting members and directing same along a third path and out of said housing via said plurality of apertures respectively (61-63), a plurality of control dials operably connected to said plurality of angle-adjusting members and for positioning same to thereby establish the respective third angles of a plurality of laser beams (28a and 28b);

- b) further comprising a plurality of support members spaced from each other and attached to the exterior surface of said housing (2), said plurality of support members for assisting to maintain said apparatus at a stationary position (Fig. 13);
- c) wherein said plurality of control dials extend outwardly from said housing and are rotatably positionable to a desired location (Fig. 13);
- d) wherein one said plurality of laser supply sources emits a laser beam exiting from one said plurality of apertures and has a unidirectional path substantially parallel to a third path of remaining ones of said plurality of laser beams and for providing a reference path for same (Fig. 16);

- e) further comprising a plurality of cables for operably connecting said plurality of control dials to said plurality of angle-adjusting members so that same can be moved to a desired position (Fig. 13);
- f) wherein said plurality of angle-adjusting members each comprises a body and a rod disposed substantially medially therebeneath and for allowing said same to pivot thereabout (Fig. 14).

Bozzo does not disclose a plurality of leveling devices attached to an exterior surface of a housing and for assisting to maintain an apparatus at a substantially level position and wherein said plurality of leveling device comprise a plurality of spirit levels disposed substantially perpendicular to each other for determining the surface level of a plurality of corresponding transverse planes.

Genho teaches a leveling device that consists of a plurality of leveling devices attached to an exterior surface of a housing (48-60) and for assisting to maintain an apparatus at a substantially level position (Fig. 2) and wherein said plurality of leveling device comprise a plurality of spirit levels disposed substantially perpendicular to each other for determining the surface level of a plurality of corresponding transverse planes (48-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the leveling device of Bozzo, so as to include a plurality of spirit levels, as taught by Genho, so as to provide a means for increasing visual levelness of the device during use of the device.

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3. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bozzo and Genho, as applied to claims 1-7, 9-14 and 16 as stated above, and further in view of Paluck (US 4,031,629).

Bozzo and Genho disclose a leveling device as stated above in paragraph 2.

They do not disclose a hanging bracket attached to a housing and for maintaining said apparatus suspended above ground.

Paluck teaches a leveling device that contains a hanging bracket attached to a housing and for maintaining said apparatus suspended above ground (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the leveling device of Bozzo and Genho so as to include a bracket, as taught by Paluck, in order to provide additional positions during use of the device.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose a leveling device:

Rando (US 6,202,312 B1)

Kindl et al. (US 4,417,816)

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
September 29, 2004